



# *County of Roanoke* **PLANNING COMMISSION**

Mr. Jason Peters, Chairman  
Ms. Martha Hooker, Vice-Chairman  
Mr. Gary Jarrell  
Mr. Gene Marrano  
Mr. Jim Woltz

Vinton District  
Catawba District  
Hollins District  
Cave Spring District  
Windsor Hills District

## **AGENDA TUESDAY, JANUARY 7, 2014 WORKSESSION: 4:00 P.M. BOARD MEETING ROOM**

### **WORK SESSION**

- A. Call to Order
- B. Approval of Agenda
- C. Election of Officers
- D. Approval of Minutes:       December 2, 2013  
                                          December 16, 2013
- E. Consent Agenda:   February 4, 2014
  - 1. The petition of Carol Lachowicz to rezone approximately 15.72 acres from PRD, Planned Residential Development, District to AG-3, Agricultural/Rural Preserve, District, located in the 7600 block of Apple Grove Lane, Windsor Hills Magisterial District.
  - 2. The petition of Daniel Smith to obtain a special use permit for a restaurant, drive-in or fast food (snow cone stand) in a C-1, Low Intensity Commercial, District, on approximately 0.33 acre located at 3540 Brambleton Avenue, Cave Spring Magisterial District.
- F. Final Orders
- G. Citizens' Comments
- H. Comments of Planning Commissioners and Planning Staff
- I. Adjournment for Site Viewing
- J. Adjournment



# *County of Roanoke* **PLANNING COMMISSION**

## **PUBLIC HEARING MINUTES DECEMBER 2, 2013**

### **Commissioners Present:**

Ms. Martha Hooker  
Mr. Gene Marrano (arrived after closed session approval)  
Mr. Jason Peters  
Mr. Jim Woltz

### **Commissioners Absent:**

Mr. Gary Jarrell

### **Staff Present:**

Mr. Philip Thompson  
Mr. Paul Mahoney, County Attorney  
Mr. Ruth Ellen Kuhnel, Senior Assistant County Attorney  
Ms. Megan Cronise  
Ms. Becky Mahoney  
Ms. Susan McCoy, Recording Secretary

### **Work Session:**

Mr. Peters called the work session to order at 4:30 p.m.

### **Approval of Agenda**

Ms. Hooker made a motion to approve the agenda, which passed 3-0.

### **Approval of Minutes**

Ms. Hooker made a motion to approve the minutes of November 4, 2013, and November 18, 2013, which passed 3-0.

### **Consent Agenda**

Mr. Thompson provided a brief update on State Central Bank petition.

### **2014 Meeting Schedule**

Mr. Woltz made a motion to approve the 2014 Planning Commission meeting dates, which passed 3-0.

### **Citizens' Comments**

There were none.

### **Commissioners' and Staff Comments**

Mr. Thompson invited the Commissioners to the County luncheon which will be held on December 18, 2013.

Mr. Thompson provided a brief overview of the proffered conditions regarding the Gary and Tamera Tickle petition. He reviewed the current and proposed zoning designations. Mr. Thompson, Ms. Mahoney, and the Commissioners discussed the suggested conditions and use and design standards regarding the property.

### **Closed Session**

Mr. Peters made a motion to go into closed session pursuant to Section 2.2-3712.d of the Code of Virginia for the discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body. The motion passed 3-0.

The closed session lasted from 4:52 p.m. to 5:10 p.m.

### **EVENING SESSION**

Mr. Peters called the Public Hearing to order at 7:00 p.m. Mr. Woltz gave the invocation and led the pledge of allegiance.

Certification Resolution: Sec. 2.2-3712.d of the Code of Virginia:

At the conclusion of any closed meeting, the public body holding such meeting shall immediately reconvene in an open meeting and shall take a roll call or other recorded vote to be included in the minutes of that body, certifying that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body. Any member of the public body who believes that there was a departure from the requirements of clauses (i) and (ii), shall so state prior to the vote, indicating the substance of the departure that, in his judgment, has taken place. The statement shall be recorded in the minutes of the public body.

Ms. Hooker made a motion to certify the resolution.

Mr. Thompson called the roll and the motion passed (4-0) with the following vote:

AYES: Hooker, Marrano, Peters, Woltz  
NAYES: None  
ABSENT: Jarrell

1. The petition of Gary and Tamera Tickle to rezone approximately 0.93 acre from C-1, Low Intensity Commercial, District to C-2, High Intensity Commercial, District and to obtain a Special Use Permit for the operation of a car wash, located at 1905 Electric Road, Windsor Hills Magisterial District. Ms. Mahoney presented the staff report, including a brief history, surrounding zoning, future land use designation, and concept plan. She also reviewed the proffered conditions submitted for the rezoning and the suggested conditions for the special use permit request.

Mr. Ben Crew, Balzer and Associates, stated he represents the contract purchaser. He stated the proposed car wash would be an asset to the corridor. He discussed the modified conditions, including signage and buffering. He stated the existing privacy fence near the adjoining church provides buffering. Mr. Woltz inquired about the placement of an evergreen buffer. Mr. Crew stated the evergreen trees would be planted along the fence line nearest to the car wash. Mr. Woltz inquired about signage. Mr. Crew discussed signage options and preferences. Mr. Marrano inquired about stacking of vehicles at the car wash. Mr. Crew reviewed the concept plan and vehicle stacking plans. Mr. Woltz inquired about parking plans. Mr. Crew discussed this issue. Mr. Peters inquired about property access. Mr. Crew stated they have discussed consolidating entrances with the adjoining church but the church prefers to maintain a separate entrance. Mr. Marrano asked if VDOT agrees with having separate entrances. Mr. Crew noted the petitioner's property has an existing entrance.

Mr. Peters opened the public hearing for public comment.

Mr. Greg Tinaglia, 4412 Laurelwood Drive, stated he is a long term resident of the area. He stated that not having a traffic light near Gatewood Drive makes turning difficult. He stated he represents Bestment Company and businesses located in Sugarloaf Crossing. He discussed safety concerns and difficulty entering Route 419 from the businesses with increased traffic. He stated businesses in this area should be high quality, such as professionals, church, or school. He stated the proposed car wash is not the best use for the area.

Mr. Woltz discussed by-right uses for current zoning of the property. Mr. Tinaglia stated he has no objection to current zoning but stated higher intensity zoning would increase traffic.

With no other citizens requesting to speak, Mr. Peters closed the public hearing.

Mr. Woltz discussed suggested conditions and proffered conditions. Ms. Kuhnel noted the signed proffered conditions have been submitted from the contract purchaser and not the property owner as required.

Mr. Thompson and the Commissioners discussed suggested conditions for the special use permit and proposed proffered conditions for the rezoning, including screening and signage. Mr. Crew stated the petitioner would be agreeable to the suggested conditions included in the staff report. Ms. Mahoney and the Commissioners discussed higher intensity uses in C-1 zoning and signage regulations. Ms. Mahoney stated VDOT issues would be addressed during the site plan review process.

Mr. Woltz made a motion to recommend approval of petition with the following:

Proffered Conditions:

1. A monument-style sign, limited to ten (10) feet in height, shall be constructed with materials to match the building façade and dumpster enclosure. Any LED or digital faces shall be limited to 20% of the allowable freestanding monument-style signage. In addition, these LED or digital faces shall incorporate low intensity light projection.
2. One row of large evergreen trees shall be planted along the northern property line. Trees shall be planted thirty (30) feet apart on center.

Special Use Conditions:

1. The site shall be developed in substantial conformance with the "H2GLO Car Wash – Masterplan," prepared by Balzer and Associates, Inc. dated October 4, 2013, subject to those changes which may be required by Roanoke County during comprehensive site plan review.
2. The sides and rear of the dumpster enclosure shall be constructed materials to match the building façade. The dumpster enclosure shall be screened by tree and shrub plantings.

Mr. Thompson called the roll and the motion passed (4-0) with the following vote:

AYES: Hooker, Marrano, Peters, Woltz  
NAYES: None  
ABSENT: Jarrell

2. The petition of Roanoke County Board of Supervisors to rezone approximately 0.51 acre from R-1, Low Density Residential, District to C-2, High Intensity Commercial, District, located at 3319 and 3323 Westmoreland Drive, Cave Spring Magisterial District. Mr. Paul Mahoney, County Attorney, presented the staff report, including a brief history of the property, surrounding zoning, and future land use designation. He stated rezoning to C-2 zoning would add to potential redevelopment opportunities.

Mr. Woltz inquired about topography issues and utilizing the property. Mr. Mahoney discussed screening and buffering of the property. He stated other since other properties fronting Brambleton Avenue are zoned C-2, rezoning these properties would make the area zoning consistent.

Mr. Peters opened the public hearing for public comment.

Mr. Richard Baldwin, 3326 Westmoreland Drive, stated he is concerned about grading which would be a minimum of 20 feet. He stated he has resided in the neighborhood 40 years. He stated the commercial area encroaches into his neighborhood without any buffering.

Mr. Dale Webb, 3905 Concord Place, stated the proposed rezoning is not consistent with the Community Plan. He inquired why the properties previously residential would be rezoned to high intensity commercial zoning. He requested consideration for the residents who own the adjoining residential properties.

Mr. Marrano stated the proposed rezoning is not in conformance with the Comprehensive Plan. He stated the parcels serve as a buffer for the residential properties.

Mr. Mahoney discussed a previous offer received from a citizen to purchase and build one or more houses on the property. He stated the offer was rejected. Mr. Marrano inquired about the potential placement of buildings. Mr. Mahoney discussed this issue.

Mr. Thompson and the Commissioners discussed landscaping, buffering, topography, and lighting issues of the properties.

With no other citizens requesting to speak, Mr. Peters closed the public hearing.

Mr. Marrano made a motion to recommend approval of the rezoning.

Mr. Thompson called the roll and the motion passed (3-1) with the following vote:

AYES:	Hooker, Peters, Woltz
NAYES:	Marrano
ABSENT:	Jarrell

### **Final Orders**

1. The petition of Frank R. Radford and Mary E. Radford to amend the proffered conditions on property approximately 0.6764 acre in size and zoned C-2C, General Commercial, District with conditions, located at 2210 Electric Road, Windsor Hills Magisterial District was approved by the Board of Supervisors at a Public Hearing on November 12, 2013.

### **Citizens' Comments**

There were none.

With no citizens requesting to speak, Mr. Peters closed the citizen comment period.

### **Commissioners' and Staff Comments**

Mr. Thompson invited the Commissioners to attend the County luncheon which will be held on December 18, 2013.

Mr. Thompson stated the next Planning Commission Work Session will be on December 16, 2013.

Mr. Thompson stated a Community Meeting will be held to discuss the Green Ridge Water Tank on December 3, 2013 at 7:00 p.m. at the Green Ridge Recreation Center.

With no further business or comments, Mr. Peters adjourned the meeting at 8:53 p.m.

Respectfully Submitted:

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Susan McCoy  
Recording Secretary, Roanoke County Planning Commission

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Philip Thompson  
Secretary, Roanoke County Planning Commission

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Jason Peters  
Chairman, Roanoke County Planning Commission



# *County of Roanoke* **PLANNING COMMISSION**

## **WORK SESSION MINUTES DECEMBER 16, 2013**

### **Commissioners Present:**

Ms. Martha Hooker  
Mr. Gary Jarrell  
Mr. Gene Marrano (arrived after approval of agenda)  
Mr. Jason Peters  
Mr. Jim Woltz

### **Staff Present:**

Mr. Philip Thompson, Secretary  
Ms. Ruth Ellen Kuhnel, Senior Assistant County Attorney  
Mr. Richard Caywood, Assistant County Administrator  
Mr. Doug Blount, Director of Parks and Recreation  
Mr. David Holladay  
Ms. Megan Cronise  
Ms. Susan McCoy, Recording Secretary

### **Guests:**

Mr. Rick James

### **Call to Order**

Mr. Peters called the meeting to order at 6:00 p.m.

### **Approval of Agenda**

Mr. Jarrell made a motion to approve the agenda, which passed 4-0.

### **Green Ridge Water Tower Lease**

Mr. Caywood provided a PowerPoint presentation regarding the proposed location of the water tank. He discussed low water pressure for fire hydrants and surrounding development, including Green Ridge Recreation Center. He stated the new tank will improve pressure for the area near the airport which now require booster pumps. He discussed the importance of elevation, topography, and visibility regarding tank placement. He stated the airport has a large area of influence which governs the tank height to ensure air traffic safety. He discussed other sites which were studied, noting the Green Ridge site is the most viable. He discussed the height and visibility of the tower, noting tree coverage will diminish visibility of the tank.

Mr. Caywood stated approximately twenty citizens attended the informational meeting which was held on December 3, 2013, at Green Ridge Recreation Center. He reviewed key features of the draft lease, including terms of lease, costs, and concept plan. He discussed water tank options including cylindrical and spherical designs. He discussed the timeline which includes finalizing the lease, design choice, and presentation of the final decision to the Board of Supervisors.

Mr. Marrano inquired about design and related costs. Mr. Caywood discussed funding of the water tank. He reviewed exterior finish options, construction, and maintenance of the tank. Mr. Woltz discussed visibility of the tank and potential revenue regarding placement of antennas on the tank. Mr. Marrano inquired about previous site options for the water tank. Mr. Thompson discussed this issue. Mr. Jarrell inquired about tank placement in this location. Mr. Caywood noted the current site provides optimal elevation and topography for the tank. Mr. Peters noted the current site is owned by the County. Mr. Caywood stated the water tank is a by-right use for the Green Ridge property.

### **Explore Park Update**

Mr. Doug Blount provided a PowerPoint presentation regarding the future of Explore Park. He discussed developing outdoor programming and outdoor recreation for citizens, including outdoor adventure park and ecotourism. He stated the park will provide financial and employment benefits to the region. He stated the park will provide river access and trails for citizen use. He reviewed a park map which includes both Roanoke County and Bedford County.

Mr. Blount provided a brief history of the park and Virginia Recreational Facilities Authority (VRFA). He discussed developing infrastructure, programs, public-private partnerships, and expanding the volunteer base. He stated historical buildings will not reopen at this time. He reviewed opportunities including special events, family programs, summer camp, and tent and recreational vehicle camping.

He discussed hiring consultants to develop the master plan for the park. He discussed the importance of receiving input from citizens and stakeholders. He stated business opportunities will include private development and local businesses. He reviewed planning issues including development of maintenance plan, development and implementation of business and marketing plan, development of capital plan, and review of zoning regulations. Mr. Thompson reviewed the Explore Park Zoning District regulations and proffered conditions including access restrictions.

Mr. Marrano inquired about boat ramp access. Mr. Blount discussed this issue, noting access is planned for kayaks and canoes. He discussed improving the health of Roanoke River which includes removal of trash near the river.

Mr. Blount reviewed the timeline which includes following-up on economic development leads, developing brochures, opening trails, and developing maps of the park. Mr. Blount and the Commissioners discussed sources of revenue, programming, artifacts, and maintenance of buildings. They also discussed signage including informational kiosks. They discussed hiring an engineer to study existing water system issues within the park.

### **Zoning Ordinance Amendments**

Mr. Thompson and the Commissioners reviewed the table of changes made to the Zoning Ordinance. He reviewed changes which the Board of Supervisors made to the Planning Commission recommendations.

**Citizens' Comments**

There were none.

**Other Comments**

Ms. Hooker discussed increasing funding for the Host Community Fund for residences near the Smith Gap Landfill. She discussed constructing a community center for the area. Ms. Kuhnel, Mr. Thompson, and the Commissioners discussed procedural issues regarding this request.

Mr. Thompson stated a planning commission business meeting is scheduled for January 7, 2013.

Ms. Cronise stated an informational meeting is scheduled for January 30, 2013, regarding the Plantation Road Bicycle, Pedestrian and Streetscape Improvement Project.

Mr. Thompson invited the Commissioners to the County luncheon on December 18, 2013.

With no further business or comments, Mr. Peters adjourned the meeting at 7:53 p.m.

Respectfully Submitted:

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Susan McCoy  
Recording Secretary, Roanoke County Planning Commission

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Philip Thompson  
Secretary, Roanoke County Planning Commission

Approved:

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Jason Peters  
Chairman, Roanoke County Planning Commission

P2-1303229



**County of Roanoke  
Community Development  
Planning & Zoning**

5204 Bernard Drive  
P O Box 29800

Roanoke, VA 24018-0798

(540) 772-2068 FAX (540) 776-7155

**For Staff Use Only**

Date received: 12/3/13	Received by: MC
Application fee: 135.00	PC/BZA date: 2/4/14
Placards issued:	BOS date: 2/18/14
Case Number 1-2/2014	

**ALL APPLICANTS**

Check type of application filed (check all that apply)

☒ **Rezoning** ☐ **Special Use** ☐ **Variance** ☐ **Waiver** ☐ **Administrative Appeal** ☐ **Comp Plan (15.2-2232) Review**

Applicants name/address w/zip

CAROL LACHOWIEZ  
7606 APPLE GROVE LANE  
ROANOKE, VA. 24018

Phone:

540-774-0154

Work:

Cell #:

540 529-4397

Fax No.:

Owner's name/address w/zip

JOSHUA L. LACHOWIEZ  
PAUL BANTA  
25 HADSON ST.  
JERSEY CITY, NJ. 07302

Phone #:

201 918-6962

Work: CELL

917 825-4154

Fax No. #:

Property Location

0 Apple Grove Lane

Magisterial District:

WINDSON HILLS

Community Planning area:

BACK CREEK

Tax Map No.:

95.03-2-33

Existing Zoning:

PRD

Size of parcel(s): Acres:

15.12

Existing Land Use:

VACANT

**REZONING, SPECIAL USE PERMIT, WAIVER AND COMP PLAN (15.2-2232) REVIEW APPLICANTS (R/S/W/CP)**

Proposed Zoning:

AGB AG-3

Proposed Land Use:

VACANT / FOREST

Does the parcel meet the minimum lot area, width, and frontage requirements of the requested district?

Yes ☒

No ☐

IF NO, A VARIANCE IS REQUIRED FIRST.

Does the parcel meet the minimum criteria for the requested Use Type? Yes ☒

No ☐

IF NO, A VARIANCE IS REQUIRED FIRST

If rezoning request, are conditions being proffered with this request? Yes ☐

No ☐

**VARIANCE, WAIVER AND ADMINISTRATIVE APPEAL APPLICANTS (V/W/AA)**

Variance/Waiver of Section(s) \_\_\_\_\_ of the Roanoke County Zoning Ordinance in order to:

Appeal of Zoning Administrator's decision to \_\_\_\_\_

Appeal of Interpretation of Section(s): \_\_\_\_\_ of the Roanoke County Zoning Ordinance

Appeal of Interpretation of Zoning Map to \_\_\_\_\_



Is the application complete? Please check if enclosed. APPLICATION WILL NOT BE ACCEPTED IF ANY OF THESE ITEMS ARE MISSING OR INCOMPLETE.

R/S/W/CP V/AA

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Consultation  
Application  
Justification

R/S/W/CP V/AA

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

8 1/2" x 11" concept plan  
Metes and bounds description  
Water and sewer application

R/S/W/CP V/AA

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Application fee  
Proffers, if applicable  
Adjoining property owners

I hereby certify that I am either the owner of the property or the owner's agent or contract purchaser and am acting with the knowledge and consent of the owner.

*[Signature]*

*[Signature]*

Owner's Signature

JUSTIFICATION FOR REZONING, SPECIAL USE PERMIT WAIVER OR COMP PLAN (15.2-2232) REVIEW REQUESTS

Applicant CAROL LACHOWIEZ

The Planning Commission will study rezoning, special use permit waiver or community plan (15.2-2232) review requests to determine the need and justification for the change in terms of public health, safety, and general welfare. Please answer the following questions as thoroughly as possible. Use additional space if necessary.

Please explain how the request furthers the purposes of the Roanoke County Ordinance as well as the purpose found at the beginning of the applicable zoning district classification in the Zoning Ordinance.

THIS PROPERTY WAS ORIGINALLY ZONED A-1. SAM HANDY BOUGHT THE PROPERTY AND HAD IT ZONED FOR A SUB-DIVISION. WHEN THAT FELL THROUGH MY SON PURCHASED ONE OF THE TRACTS. OUR PROPERTY IS ADJACENT TO HIS PROPERTY. WE ARE PLANNING TO GIVE HIM ADDITIONAL ACRES SO THAT HE COULD PUT IT INTO LAND USE. WHEN I STARTED THAT PROCESS I WAS TOLD IT NEEDED TO BE REZONED FIRST.

Please explain how the project conforms to the general guidelines and policies contained in the Roanoke County Community Plan.

MY SON LIVES AND WORKS IN THE N.Y./N.J. AREA. HE DOES NOT PLAN TO DEVELOP THIS LAND. HE WANTS TO KEEP IT IN ITS NATURAL STATE WHICH IS FORESTRY.

Please describe the impact(s) of the request on the property itself, the adjoining properties, and the surrounding area, as well as the impacts on public services and facilities, including water/sewer, roads, schools, parks/recreation and fire and rescue.

THERE WILL BE NO IMPACT ON THE PROPERTY ITSELF, ON ADJOINING AND SURROUNDING AREAS.

## CONCEPT PLAN CHECKLIST

A concept plan of the proposed project must be submitted with the application. The concept plan shall graphically depict the land use change, development or variance that is to be considered. Further, the plan shall address any potential land use or design issues arising from the request. In such cases involving rezonings, the applicant may proffer conditions to limit the future use and development of the property and by so doing, correct any deficiencies that may not be manageable by County permitting regulations.

The concept plan should not be confused with the site plan or plot plan that is required prior to the issuance of a building permit. Site plan and building permit procedures ensure compliance with State and County development regulations and may require changes to the initial concept plan. Unless limiting conditions are proffered and accepted in a rezoning or imposed on a special use permit or variance, the concept plan may be altered to the extent permitted by the zoning district and other regulations.

A concept plan is required with all rezoning, special use permit, waiver, community plan (15.2-2232) review and variance applications. The plan should be prepared by a professional site planner. The level of detail may vary, depending on the nature of the request. The County Planning Division staff may exempt some of the items or suggest the addition of extra items, but the following are considered minimum:

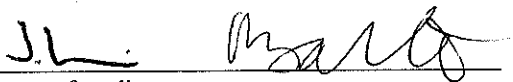
### ALL APPLICANTS

- ☐ a. Applicant name and name of development
- ☐ b. Date, scale and north arrow
- ☐ c. Lot size in acres or square feet and dimensions
- ☐ d. Location, names of owners and Roanoke County tax map numbers of adjoining properties
- ☐ e. Physical features such as ground cover, natural watercourses, floodplain, etc.
- ☐ f. The zoning and land use of all adjacent properties
- ☐ g. All property lines and easements
- ☐ h. All buildings, existing and proposed, and dimensions, floor area and heights
- ☐ i. Location, widths and names of all existing or platted streets or other public ways within or adjacent to the development
- ☐ j. Dimensions and locations of all driveways, parking spaces and loading spaces

### *Additional information required for REZONING and SPECIAL USE PERMIT APPLICANTS*

- ☐ k. Existing utilities (water, sewer, storm drains) and connections at the site
- ☐ l. Any driveways, entrances/exits, curb openings and crossovers
- ☐ m. Topography map in a suitable scale and contour intervals
- ☐ n. Approximate street grades and site distances at intersections
- ☐ o. Locations of all adjacent fire hydrants
- ☐ p. Any proffered conditions at the site and how they are addressed
- ☐ q. If project is to be phased, please show phase schedule

I certify that all items required in the checklist above are complete.

  
Signature of applicant

\_\_\_\_\_  
Date



## POTENTIAL OF NEED FOR TRAFFIC ANALYSIS AND/OR TRAFFIC IMPACT STUDY

The following is a list of potentially high traffic-generating land uses and road network situations that could elicit a more detailed analysis of the existing and proposed traffic pertinent to your rezoning, subdivision waiver, public street waiver, or special use permit request. If your request involves one of the items on the ensuing list, we recommend that you meet with a County planner, the County traffic engineer, and/or Virginia Department of Transportation staff to discuss the potential additional traffic related information that may need to be submitted with the application in order to expedite your application process.

*(Note this list is not inclusive and the County staff and VDOT reserve the right to request a traffic study at any time, as deemed necessary.)*

### High Traffic-Generating Land Uses:

- Single-family residential subdivisions, Multi-family residential units, or Apartments with more than 75 dwelling units
- Restaurant (with or without drive-through windows)
- Gas station/Convenience store/Car wash
- Retail shop/Shopping center
- Offices (including: financial institutions, general, medical, etc.)
- Regional public facilities
- Educational/Recreational facilities
- Religious assemblies
- Hotel/Motel
- Golf course
- Hospital/Nursing home/Clinic
- Industrial site/Factory
- Day care center
- Bank
- Non-specific use requests

### Road Network Situations:

- Development adjacent to/with access onto/within 500-ft of intersection of a roadway classified as an arterial road (e.g., Rte 11, 24, 115, 117, 460, 11/460, 220, 221, 419, etc)
- For new phases or changes to a development where a previously submitted traffic study is more than two (2) years old and/or roadway conditions have changed significantly
- When required to evaluate access issues
- Development with ingress/egress on roads planned or scheduled for expansion, widening, improvements, etc. (i.e. on Long Range Transportation Plan, Six-Yr Road Plan, etc.)
- Development in an area where there is a known existing traffic and/or safety problem
- Development would potentially negatively impact existing/planned traffic signal(s)
- Substantial departure from the Community Plan
- Any site that is expected to generate over one hundred (100) trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over seven hundred fifty (750) trips in an average day

**Effective date: April 19, 2005**



## NOTICE TO APPLICANTS FOR REZONING, SUBDIVISION WAIVER, PUBLIC STREET WAIVER, OR SPECIAL USE PERMIT PETITION

### PLANNING COMMISSION APPLICATION ACCEPTANCE PROCEDURE

The Roanoke County Planning Commission reserves the right to continue a Rezoning, Subdivision Waiver, Public Street Waiver or Special Use Permit petition if new or additional information is presented at the public hearing. If it is the opinion of the majority of the Planning Commissioners present at the scheduled public hearing that sufficient time was not available for planning staff and/or an outside referral agency to adequately evaluate and provide written comments and suggestions on the new or additional information prior to the scheduled public hearing then the Planning Commission may vote to continue the petition. This continuance shall allow sufficient time for all necessary reviewing parties to evaluate the new or additional information and provide written comments and suggestions to be included in a written memorandum by planning staff to the Planning Commission. The Planning Commission shall consult with planning staff to determine if a continuance may be warranted.

### POTENTIAL OF NEED FOR TRAFFIC ANALYSES AND/OR TRAFFIC IMPACT STUDY

The Roanoke County Planning Commission reserves the right to continue a Rezoning, Subdivision Waiver, Public Street Waiver, or Special Use Permit petition if the County Traffic Engineer or staff from the Virginia Department of Transportation requests further traffic analyses and/or a traffic impact study that would be beneficial in making a land use decision (*Note: a list of potential land uses and situations that would necessitate further study is provided as part of this application package*).

This continuance shall allow sufficient time for all necessary reviewing parties to evaluate the required traffic analyses and/or traffic impact study and to provide written comments and/or suggestions to the planning staff and the Planning Commission. If a continuance is warranted, the applicant will be notified of the continuance and the newly scheduled public hearing date.

**Effective date: April 19, 2005**

CAROL LACHOWIEZ

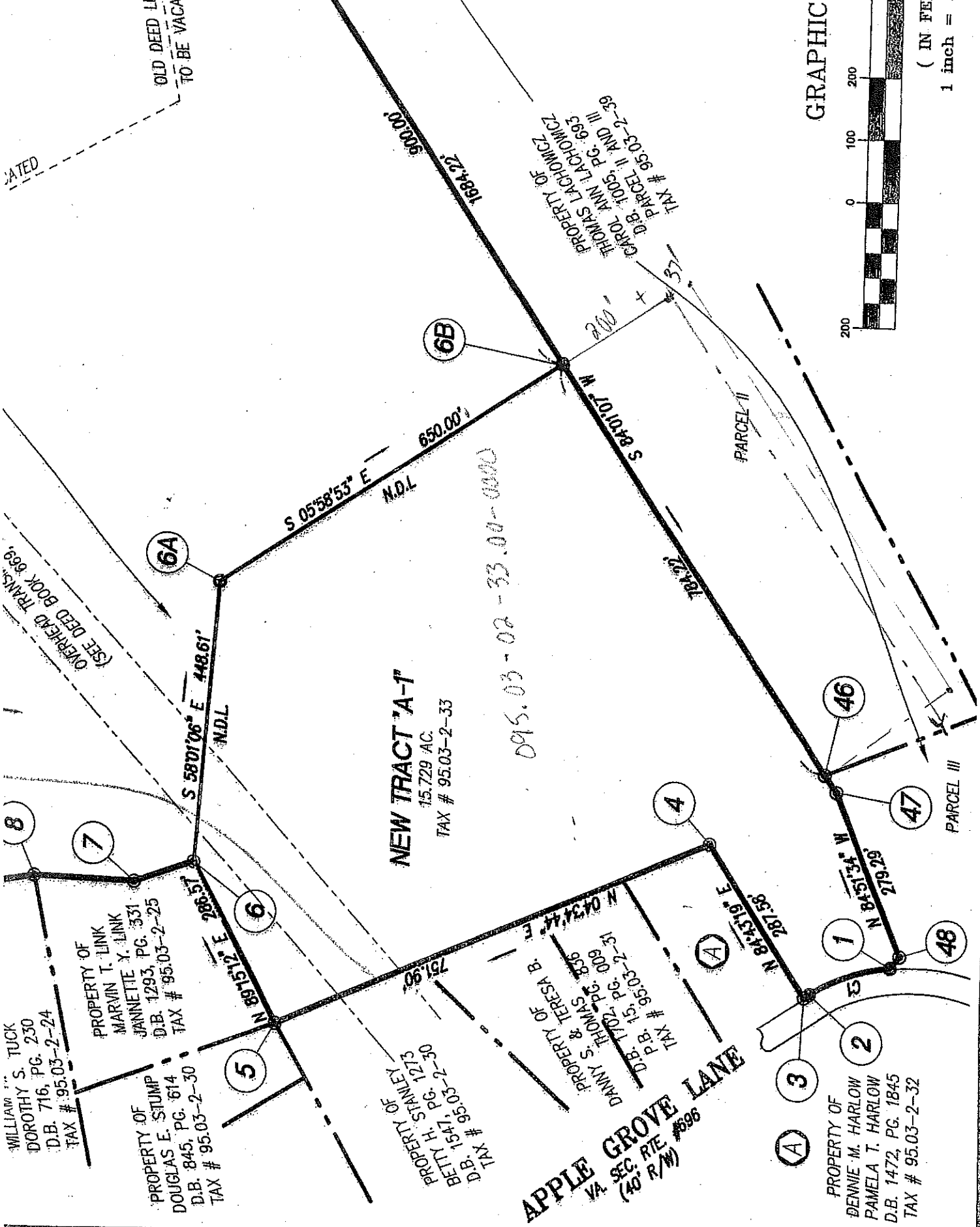
Name of Petition

Carol Lachowicz

Petitioner's Signature

12-3-2013

Date



GRAPHIC



( IN FEET )  
1 inch = 200 feet

12.28.05

P2-1303263



**County of Roanoke  
Community Development  
Planning & Zoning**

5204 Bernard Drive  
P O Box 29800

Roanoke, VA 24018-0798

(540) 772-2068 FAX (540) 776-7155

**For Staff Use Only**

Date received: <u>12/6/13</u>	Received by: <u>TP</u>
Application fee: <u>\$977.00</u>	PC/BZA date: <u>2/4/14</u>
Placards issued:	BOS date: <u>2/18/14</u>
Case Number <u>2-2/2014</u>	

**ALL APPLICANTS**

Check type of application filed (check all that apply)

☒ Rezoning ☒ Special Use ☐ Variance ☐ Waiver ☐ Administrative Appeal ☐ Comp Plan (15.2-2232) Review

Applicants name/address w/zip

DANIEL SMITH  
6085 ORIOLE LANE  
ROANOKE, VA. 24018

Phone:

540-989-2840

Work:

540-388-1780

Cell #:

540-521-4867

Fax No.:

Owner's name/address w/zip

VALLEY INVESTMENT PROPERTIES LLC  
6085 ORIOLE LANE  
ROANOKE, VA. 24018

Phone #:

540-521-4867

Work:

Fax No. #:

Property Location

3540 BLAMBLETON AVE.  
ROANOKE, VA. 24018

Magisterial District:

Community Planning area:

Tax Map No.:

077-10-06-11.00-0000

Existing Zoning:

C1

Size of parcel(s): Acres:

Existing Land Use:

MUSIC STUDIO

**REZONING, SPECIAL USE PERMIT, WAIVER AND COMP PLAN (15.2-2232) REVIEW APPLICANTS (R/S/W/CP)**

Proposed Zoning:

C2C

Proposed Land Use:

SNOW CONE STAND

Does the parcel meet the minimum lot area, width, and frontage requirements of the requested district?

Yes ☒

No ☐

**IF NO, A VARIANCE IS REQUIRED FIRST.**

Does the parcel meet the minimum criteria for the requested Use Type? Yes ☒

No ☐

**IF NO, A VARIANCE IS REQUIRED FIRST**

If rezoning request, are conditions being proffered with this request? Yes ☐

No ☐

**VARIANCE, WAIVER AND ADMINISTRATIVE APPEAL APPLICANTS (V/W/AA)**

Variance/Waiver of Section(s) \_\_\_\_\_ of the Roanoke County Zoning Ordinance in order to \_\_\_\_\_

Appeal of Zoning Administrator's decision to \_\_\_\_\_

Appeal of Interpretation of Section(s): \_\_\_\_\_ of the Roanoke County Zoning Ordinance DEC - 6 2013

Appeal of Interpretation of Zoning Map to \_\_\_\_\_ Community Development

Is the application complete? Please check if enclosed. **APPLICATION WILL NOT BE ACCEPTED IF ANY OF THESE ITEMS ARE MISSING OR INCOMPLETE.**

R/S/W/CP V/AA

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Consultation  
Application  
Justification

R/S/W/CP V/AA

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

8 1/2" x 11" concept plan  
Metes and bounds description  
Water and sewer application

R/S/W/CP V/AA

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Application fee  
Proffers, if applicable  
Adjoining property owners

I hereby certify that I am either the owner of the property or the owner's agent or contract purchaser and am acting with the knowledge and consent of the owner.

Daniel Smith

Owner's Signature

**JUSTIFICATION FOR REZONING, SPECIAL USE PERMIT WAIVER OR COMP PLAN (15.2-2232) REVIEW REQUESTS**

Applicant VALLEY INVESTMENT PROPERTIES LLC BY DANIEL SMITH

The Planning Commission will study rezoning, special use permit waiver or community plan (15.2-2232) review requests to determine the need and justification for the change in terms of public health, safety, and general welfare. Please answer the following questions as thoroughly as possible. Use additional space if necessary.

Please explain how the request furthers the purposes of the Roanoke County Ordinance as well as the purpose found at the beginning of the applicable zoning district classification in the Zoning Ordinance.

THE PROPOSED REZONING OF 3540 BRAMBLETON AVE. WILL ALLOW FOR THE INSTALLATION OF A CONCESSION WHICH WILL BE USED FOR THE SALE OF SNOW CONES. THE SNOW CONE STAND WILL PROVIDE A SERVICE WHICH IS NOT CURRENTLY AVAILABLE TO THE RESIDENTS OF SOUTHWEST COUNTY, AND WILL EMPLOY UP TO 6 PEOPLE.

Please explain how the project conforms to the general guidelines and policies contained in the Roanoke County Community Plan.

THIS PLAN CONFORMS TO THE GENERAL GUIDELINES BECAUSE THE PROPERTY IS LOCATED IN A TRANSITIONAL ZONE AND IS ADJACENT TO OTHER C-2 PROPERTIES. THE PROJECT WILL ALSO ADD ADDITIONAL BUFFERING TO ADJACENT R1 PROPERTIES BY THE INSTALLATION OF A TYPE C OPTION 2 BUFFER ZONE AT THE BACK OF THE PROPERTY.

Please describe the impact(s) of the request on the property itself, the adjoining properties, and the surrounding area, as well as the impacts on public services and facilities, including water/sewer, roads, schools, parks/recreation and fire and rescue.

THIS PROJECT WILL NOT REQUIRE ANY MODIFICATION TO THE INGRESS OR EGRESS OF THE PROPERTY. WE ESTIMATE THAT LESS THAN 50 VEHICLES PER DAY WILL ACCESS THE NEW SERVICE. IMPACT TO ADJACENT PROPERTIES WILL BE MINIMAL DUE TO THE LOW VOLUME OF PATRONS AND THE INSTALLATION OF A BUFFER ZONE AND PRIVACY FENCE.

## JUSTIFICATION FOR VARIANCE REQUEST

Applicant \_\_\_\_\_

The of Zoning Appeals is required by Section 15.2-2309 of the Code of Virginia to consider the following factors before a variance can be granted. Please read the factors listed below carefully and in your own words, describe how the request meets each factor. If additional space is needed, use additional sheets of paper.

1. The variance shall not be contrary to the public interest and shall be in harmony with the intended spirit and purpose of the Zoning Ordinance.

2. The strict application of the zoning ordinance would produce undue hardship; a hardship that approaches confiscation (as distinguished from a special privilege or convenience) and would prohibit or unreasonably restrict the use of the property.

3. The hardship is not shared by other properties in the same zoning district or vicinity. Such hardships should be addressed by the Board of Supervisors as amendments to the Zoning Ordinance.

4. The variance will not be of a substantial detriment to the adjacent properties or the character of the district.

## JUSTIFICATION FOR ADMINISTRATIVE APPEAL REQUEST

Applicant \_\_\_\_\_

Please respond to the following as thoroughly as possible. If additional space is needed, use additional sheets of paper.

1. Reasons for appeal:

2. Evidence supporting claim:

## CONCEPT PLAN CHECKLIST

A concept plan of the proposed project must be submitted with the application. The concept plan shall graphically depict the land use change, development or variance that is to be considered. Further, the plan shall address any potential land use or design issues arising from the request. In such cases involving rezonings, the applicant may proffer conditions to limit the future use and development of the property and by so doing, correct any deficiencies that may not be manageable by County permitting regulations.

The concept plan should not be confused with the site plan or plot plan that is required prior to the issuance of a building permit. Site plan and building permit procedures ensure compliance with State and County development regulations and may require changes to the initial concept plan. Unless limiting conditions are proffered and accepted in a rezoning or imposed on a special use permit or variance, the concept plan may be altered to the extent permitted by the zoning district and other regulations.

A concept plan is required with all rezoning, special use permit, waiver, community plan (15.2-2232) review and variance applications. The plan should be prepared by a professional site planner. The level of detail may vary, depending on the nature of the request. The County Planning Division staff may exempt some of the items or suggest the addition of extra items, but the following are considered minimum:

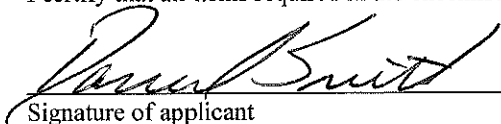
### ALL APPLICANTS

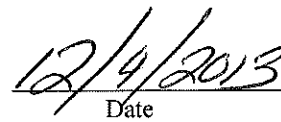
- ☒ a. Applicant name and name of development
- ☒ b. Date, scale and north arrow
- ☒ c. Lot size in acres or square feet and dimensions
- ☒ d. Location, names of owners and Roanoke County tax map numbers of adjoining properties
- ☒ e. Physical features such as ground cover, natural watercourses, floodplain, etc.
- ☒ f. The zoning and land use of all adjacent properties
- ☒ g. All property lines and easements
- ☒ h. All buildings, existing and proposed, and dimensions, floor area and heights
- ☒ i. Location, widths and names of all existing or platted streets or other public ways within or adjacent to the development
- ☒ j. Dimensions and locations of all driveways, parking spaces and loading spaces

### *Additional information required for REZONING and SPECIAL USE PERMIT APPLICANTS*

- ☒ k. Existing utilities (water, sewer, storm drains) and connections at the site
- ☒ l. Any driveways, entrances/exits, curb openings and crossovers
- ☒ m. Topography map in a suitable scale and contour intervals
- ☒ n. Approximate street grades and site distances at intersections
- ☒ o. Locations of all adjacent fire hydrants
- ☐ p. Any proffered conditions at the site and how they are addressed
- ☐ q. If project is to be phased, please show phase schedule

I certify that all items required in the checklist above are complete.

  
Signature of applicant

  
Date



## POTENTIAL OF NEED FOR TRAFFIC ANALYSIS AND/OR TRAFFIC IMPACT STUDY

The following is a list of potentially high traffic-generating land uses and road network situations that could elicit a more detailed analysis of the existing and proposed traffic pertinent to your rezoning, subdivision waiver, public street waiver, or special use permit request. If your request involves one of the items on the ensuing list, we recommend that you meet with a County planner, the County traffic engineer, and/or Virginia Department of Transportation staff to discuss the potential additional traffic related information that may need to be submitted with the application in order to expedite your application process.

*(Note this list is not inclusive and the County staff and VDOT reserve the right to request a traffic study at any time, as deemed necessary.)*

### High Traffic-Generating Land Uses:

- Single-family residential subdivisions, Multi-family residential units, or Apartments with more than 75 dwelling units
- Restaurant (with or without drive-through windows)
- Gas station/Convenience store/Car wash
- Retail shop/Shopping center
- Offices (including: financial institutions, general, medical, etc.)
- Regional public facilities
- Educational/Recreational facilities
- Religious assemblies
- Hotel/Motel
- Golf course
- Hospital/Nursing home/Clinic
- Industrial site/Factory
- Day care center
- Bank
- Non-specific use requests

### Road Network Situations:

- Development adjacent to/with access onto/within 500-ft of intersection of a roadway classified as an arterial road (e.g., Rte 11, 24, 115, 117, 460, 11/460, 220, 221, 419, etc)
- For new phases or changes to a development where a previously submitted traffic study is more than two (2) years old and/or roadway conditions have changed significantly
- When required to evaluate access issues
- Development with ingress/egress on roads planned or scheduled for expansion, widening, improvements, etc. (i.e. on Long Range Transportation Plan, Six-Yr Road Plan, etc.)
- Development in an area where there is a known existing traffic and/or safety problem
- Development would potentially negatively impact existing/planned traffic signal(s)
- Substantial departure from the Community Plan
- Any site that is expected to generate over one hundred (100) trips during the peak hour of the traffic generator or the peak hour on the adjacent streets, or over seven hundred fifty (750) trips in an average day

**Effective date: April 19, 2005**



## NOTICE TO APPLICANTS FOR REZONING, SUBDIVISION WAIVER, PUBLIC STREET WAIVER, OR SPECIAL USE PERMIT PETITION

### PLANNING COMMISSION APPLICATION ACCEPTANCE PROCEDURE

The Roanoke County Planning Commission reserves the right to continue a Rezoning, Subdivision Waiver, Public Street Waiver or Special Use Permit petition if new or additional information is presented at the public hearing. If it is the opinion of the majority of the Planning Commissioners present at the scheduled public hearing that sufficient time was not available for planning staff and/or an outside referral agency to adequately evaluate and provide written comments and suggestions on the new or additional information prior to the scheduled public hearing then the Planning Commission may vote to continue the petition. This continuance shall allow sufficient time for all necessary reviewing parties to evaluate the new or additional information and provide written comments and suggestions to be included in a written memorandum by planning staff to the Planning Commission. The Planning Commission shall consult with planning staff to determine if a continuance may be warranted.

### POTENTIAL OF NEED FOR TRAFFIC ANALYSES AND/OR TRAFFIC IMPACT STUDY

The Roanoke County Planning Commission reserves the right to continue a Rezoning, Subdivision Waiver, Public Street Waiver, or Special Use Permit petition if the County Traffic Engineer or staff from the Virginia Department of Transportation requests further traffic analyses and/or a traffic impact study that would be beneficial in making a land use decision (*Note: a list of potential land uses and situations that would necessitate further study is provided as part of this application package*).

This continuance shall allow sufficient time for all necessary reviewing parties to evaluate the required traffic analyses and/or traffic impact study and to provide written comments and/or suggestions to the planning staff and the Planning Commission. If a continuance is warranted, the applicant will be notified of the continuance and the newly scheduled public hearing date.

**Effective date: April 19, 2005**

DANIEL SMITH  
Name of Petition

*Daniel Smith*  
Petitioner's Signature

12/4/2013  
Date



Front of 3540 Brambleton taken across Brambleton Avenue from Advance Auto Parking lot.



Snow Cone concession currently operated in Roanoke County with a Peddlers license. To be installed in a semi-permanent manor next to shed in back yard of 3540 Brambleton.



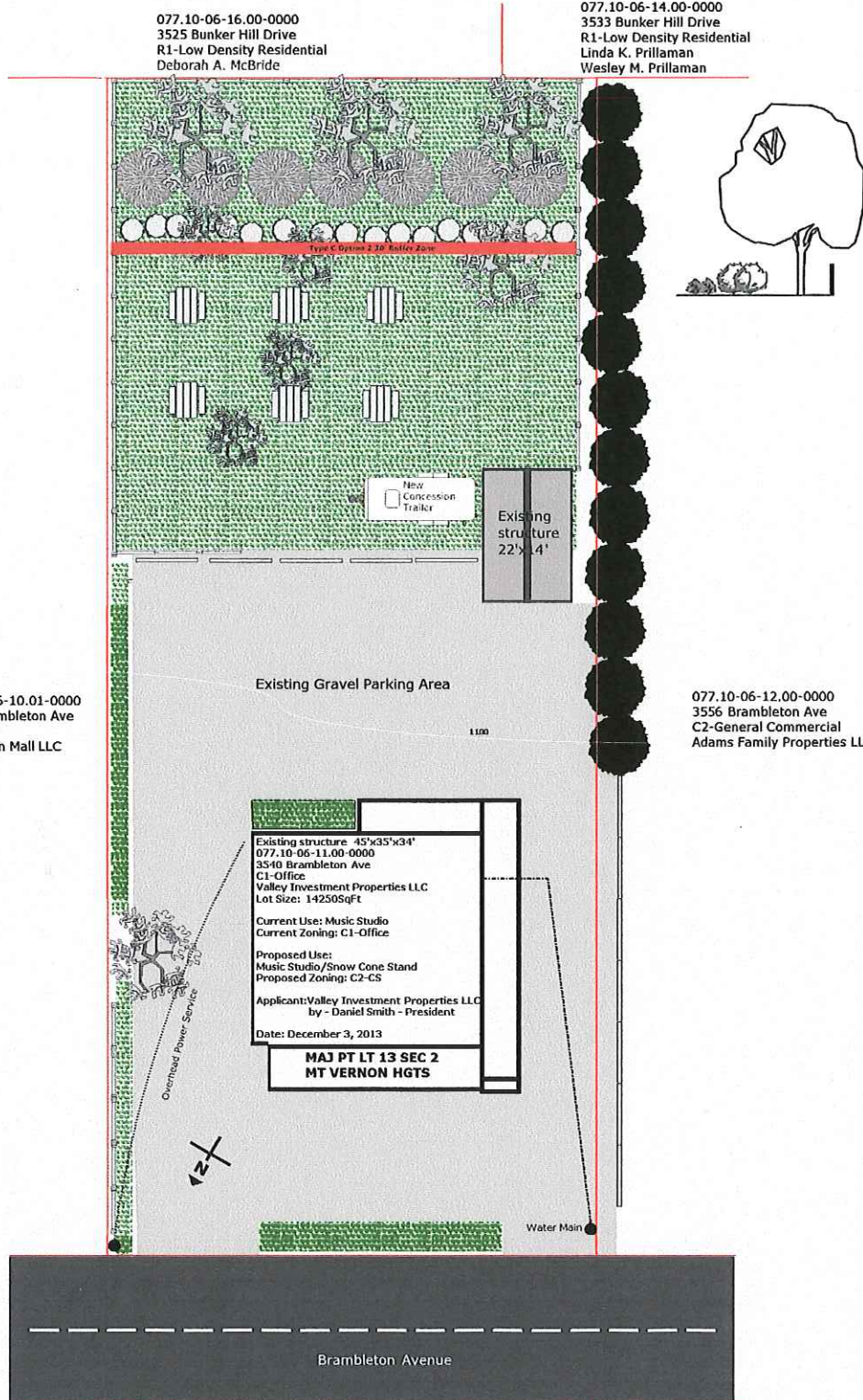
Current Back yard at 3540 Brambleton as it is today. Concession trailer would be located in this spot next to shed. A privacy fence will be installed around back yard and a Type C Option 2 Buffer Zone will be installed at the rear of the property between adjacent R-1 lots.

077.10-06-16.00-0000  
3525 Bunker Hill Drive  
R1-Low Density Residential  
Deborah A. McBride

077.10-06-14.00-0000  
3533 Bunker Hill Drive  
R1-Low Density Residential  
Linda K. Prillaman  
Wesley M. Prillaman

077.10-06-10.01-0000  
3536 Brambleton Ave  
C1-Office  
Bambleton Mall LLC

077.10-06-12.00-0000  
3556 Brambleton Ave  
C2-General Commercial  
Adams Family Properties LLC



077.09-04-38.00-0000  
3545 Brambleton Ave  
C2-General Commercial  
Lara Lev Taubman

077.09-04-41.00-0000  
3585 Brambleton Ave  
C2S General Commercial/SUP  
Emerihrt Roanoke LLC

Scale: 1/16" = 1'

Class Name
3540 Brambleton Avenue
Prepared by: Dan Smith

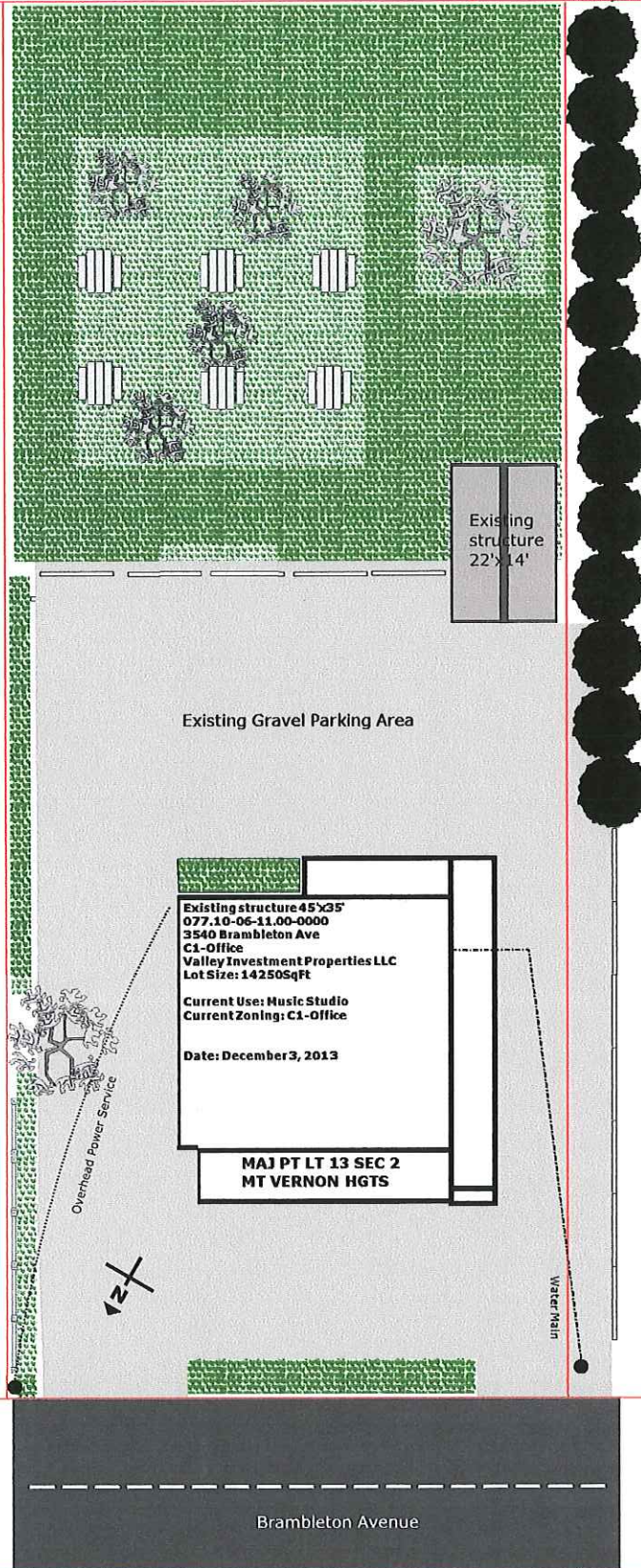
# Existing Use Drawing of 3540 Brambleton Avenue

077.10-06-16.00-0000  
3525 Bunker Hill Drive  
R1-Low Density Residential  
Deborah A. McBride

077.10-06-14.00-0000  
3533 Bunker Hill Drive  
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Linda K. Prillaman  
Wesley M. Prillaman

077.10-06-10.01-0000  
3536 Brambleton Ave  
C1-Office  
Bambleton Mall LLC

077.10-06-12.00-0000  
3556 Brambleton Ave  
C2-General Commercial  
Adams Family Properties LLC



077.09-04-38.00-0000  
3545 Brambleton Ave  
C2-General Commercial  
Famerhrt Brannke LLC

077.09-04-41.00-0000  
3585 Brambleton Ave  
C2S General Commercial/SUP  
Famerhrt Brannke LLC



## Metes and Bounds Description of 3540 Brambleton Avenue

BEGINNING at a point on the southerly side of Mount Vernon Drive N. 58 deg E. 75ft. from the Southeast sub-tangent corner of Curtis Avenue and Mount Vernon Drive N. 58 deg E. 75 ft. to a point on same; thence S. 32 deg E. 200 ft. to a point; thence S. 58 deg W. 75 ft. to a point; thence N. 32 deg W. 200 ft to place of BEGINNING and being all of lot No. 13 Section 2, according to the map of Mount Vernon Heights, recorded in the Clerk's Office of the Circuit Court of Roanoke County Virginia, in Plat Book 2, page 67; and

EXCEPTING, HOWEVER, THEREFROM that certain tract conveyed to the Commonwealth of Virginia containing 750 sq. ft., more or less, by instrument recorded in the aforesaid Clerk's Office in the Deed Book 1100, page 304: and

BEING the same property conveyed to Valley Investment Properties LLC, a Virginia limited liability company by deed dated November 30, 2012 from Tonita M. Foster and Donald E. Foster, wife and Husband, which said deed was recorded immediately prior to this instrument and for which this instrument represents deferred purchase money.



Enter Title Here

Roanoke County, VA - Mon May 27 2013



Valley Investment Properties LLC  
3540 Brambleton Avenue  
Tax Map #: 077.10-06.11.00-0000  
Zoning: C1-Office

## Adjacent Property Owners of Subject Parcel:

Adams Family Properties LLC  
Property Address: 3556 Brambleton Ave  
Tax Map#:077.10-06-12.00-0000  
Zoning: C2C-General Commercial/Cond

Brambleton Mall LLC  
Property Address: 3536 Brambleton Ave  
Tax Map#:077.10-06-10.01-0000  
Zoning: C1-Office

Lara Lev Taubman  
Property Address: 3545 Brambleton Ave  
Tax Map#:077.09-04-38.00-0000  
Zoning: C2-General Commercial

Emerihrt Roanoke LLC  
Property Address: 3585 Brambleton Ave  
Tax Map#:077.09-04-41.00-0000  
Zoning: C2S-General Commercial/SUP

Deborah McBride  
Property Address: 3525 Bunker Hill Drive  
Tax Map#:077.10-06-16.00-0000  
Zoning: R1-Low Density Residential

Linda K. Prillaman  
Wesley M. Prillaman  
3533 Bunker Hill Drive  
Tax Map#:077.10-06-14.00-0000  
Zoning: R1-Low Density Residential

*PROPERTY IN QUESTION***Unofficial Property Record Card - Roanoke County, Virginia****General Property Data**

Parcel ID **077.10-06-11.00-0000** Account Number **32150**  
 Prior Parcel ID **--**  
 Property Owner **VALLEY INVESTMENT PROPERTIES LLC** Property Location **3540 BRAMBLETON AV**  
 Property Use **COMMERCIAL**  
 Mailing Address **6085 ORIOLE LN** Most Recent Sale Date **12/7/2012**  
 Legal Reference **DB201214240**  
 City **ROANOKE** Grantor **FOSTER, TONITA M & DONALD E**  
 Mailing State **VA** Zip **24018** Sale Price **180,000**  
 Jurisdiction-ZoningCode-Description **County-C1-Office** Land Area **1 - LT**

**Current Property Assessment**

Card 1 Value Building Value **93,700** Xtra Features Value **900** Land Value **109,400** Total Value **204,000**

**Building Description**

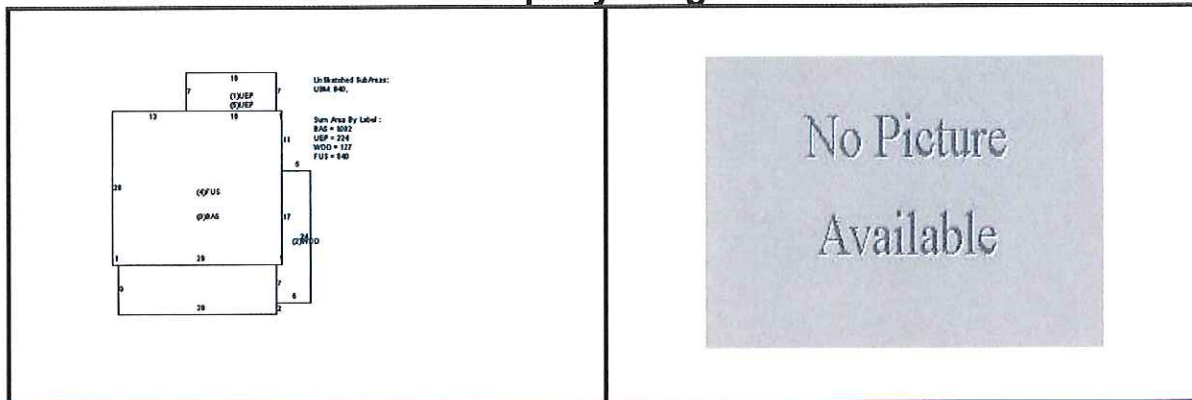
Building Style <b>OFFICE</b>	Foundation Type <b>CONT FOOTING</b>	Flooring Type <b>CARPET</b>
# of Living Units <b>0</b>	Frame Type <b>WOOD FRAME</b>	Basement Floor <b>N/A</b>
Year Built <b>1950</b>	Roof Structure <b>HIP</b>	Heating Type <b>AIR-DUCTED</b>
Style/Story Height <b>2.0 STORIES</b>	Roof Cover <b>ASP/COMP SHN</b>	Heating Fuel <b>GAS</b>
Insulation <b>SUSPENDED WALL &amp; CEILING</b>	Primary Ext. Siding <b>FACE BRICK</b>	Air Conditioning <b>100%</b>
Finished Area (SF) <b>1932</b>	Interior Walls <b>DRYWALL</b>	# of Bsmt Garages <b>0</b>
Number Rooms <b>0</b>	# of Bedrooms <b>0</b>	# of Full Baths <b>0</b>
# of 3/4 Baths <b>0</b>	# of 1/2 Baths <b>0</b>	# of Other Fixtures <b>6</b>

**Legal Description**

MAJ PT LT 13 SEC 2 MT VERNON HGTS

**Narrative Description of Property**

This property contains 1 - LT of land mainly classified as COMMERCIAL with a(n) OFFICE style building, built about 1950, having FACE BRICK exterior and ASP/COMP SHN roof cover, with 0 unit(s), 0 room(s), 0 bedroom(s), 0 bath(s), 0 half bath(s).

**Property Images**

Disclaimer: This information is believed to be correct but is subject to change and is not warranted.